

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD RAYNOIS ROSE,

Plaintiff,

v.

KIMBERLY HELMS-LEWIS, et al.,

Defendants.

1:23-cv-00498-HBK (PC)

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 9)

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY MERCED
COUNTY SHERIFF

ORDER MOOTING MOTION TO DISMISS¹

(Doc. No. 7)

Plaintiff—a prisoner—is proceeding on his *pro se* civil rights complaint filed on April 21, 2023 pursuant to 42 U.S.C. § 1983. (Doc. No. 8, Complaint). Plaintiff seeks leave to proceed *in forma pauperis* on his Complaint and submitted a copy of his prison trust fund statement in support. (Doc. No. 9). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the full statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff must make monthly payments in the amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's trust account. 28 U.S.C. §

¹ Plaintiff accompanied his application to proceed *in forma pauperis* and complaint with a motion to dismiss (Doc. No. 7). The Court construes the motion as addressing the unsigned complaint the Court previously struck. Thus, the motion is moot. The Court deems the complaint, filed on April 21, 2023, as the operative complaint and will screen it pursuant to 28 U.S.C. § 1915A in due course.

1 1915(b)(2). The Merced County Sheriff is required to send to the Clerk of the Court payments
2 from plaintiff's account each time the amount in the account exceeds \$10.00, until the statutory
3 filing fee is paid in full. *Id.*

4 According, it is **ORDERED**:

- 5 1. Plaintiff's application to proceed *in forma pauperis* (Doc. No. 9) is **GRANTED**.
- 6 2. Pursuant to 28 U.S.C. § 1915 (b)(1), the Merced County Sheriff or his designee shall
7 collect payments from Plaintiff's prison trust account in an amount equal to twenty
8 percent (20%) of the preceding month's income credited to the prisoner's trust account
9 and shall forward those payments to the Clerk of the Court each time the amount in the
10 account exceeds \$10.00 until a total of \$350.00 has been collected and forwarded to the
11 Clerk of the Court. The payments shall be clearly identified by Plaintiff's name and the
12 case number assigned to this action.
- 13 3. The Clerk of the Court is directed to serve a copy of this Order and a copy of Plaintiff's *in*
14 *forma pauperis* application (Doc. No. 9) on the Merced County Sheriff located at the John
15 Latorraca Correctional Facility, 2584 W. Sandy Mush Road, Merced, CA 95341.
- 16 4. The Clerk of the Court is directed to serve a copy of this Order on the Financial
17 Department, U.S. District Court, Eastern District of California, Sacramento Division.
- 18 5. Plaintiff's motion to dismiss (Doc. No. 7) is **MOOT**.

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20 Dated: April 21, 2023


21 HELENA M. BARCH-KUCHTA
22 UNITED STATES MAGISTRATE JUDGE
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